



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes CITY COUNCIL

R. Steve Tumlin, Mayor
Stuart Fleming, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G. A. (Andy) Morris, Ward 4
Anthony Coleman, Ward 5
Michelle Cooper Kelly, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, March 9, 2016

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Stuart Fleming, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris, Anthony Coleman, Michelle Cooper Kelly and Philip M. Goldstein

Also Present:

William F. Bruton, Jr. City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor R. Steve Tumlin called the meeting to order at 7:00 p.m.

INVOCATION:

Mayor Tumlin called upon Council member Johnny Walker to give the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Tumlin asked everyone to remain standing for the Pledge of Allegiance.

PRESENTATIONS:

20160200

Recognition of City of Marietta IMAGE Certification

Officials with U.S. Immigration and Customs Enforcement (ICE) will formally recognize the City of Marietta as having obtained IMAGE Certification. IMAGE, which stands for ICE Mutual Agreement between Government and Employers, required the city to enroll in the E-Verify program, establish a written hiring and employment eligibility verification policy that includes internal Form I-9 audits at least once per year, and submit to a Form I-9 inspection. The IMAGE program

was created in 2006 as a joint government and private sector initiative designed to build cooperative relationships that strengthen hiring practices and encourage employer compliance. The goal of the IMAGE program is to curtail the employment of unauthorized workers through outreach, education, and partnership. Presenting a certificate will be Mr. Nick Annan, Special Agent in Charge of the Atlanta office of Homeland Security Investigations.

Presented

PROCLAMATIONS:

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:

SCHEDULED APPEARANCES:

20160217 Scheduled Appearance - Larry Wills, 60 Oakmont Drive, Ward 3

Not Present

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

Pro tem Johnny Walker briefly explained the consent agenda process. City Attorney Doug Haynie noted the following changes to the consent agenda:

-under Other Business: Agenda items 20160221 and 20160228 were added to the consent agenda.

-under Other Business: Agenda item 20160229 was added to the consent agenda and amended to read, "Motion to authorize advertisement for the sale or exchange of a portion(s) of the Brown Avenue right of way, with the following conditions:

- 1. The buyer shall provide a survey to the City of Marietta satisfactory to the Public Works Director.*
- 2. The buyer shall pay cost of advertisement incurred by the City of Marietta.*
- 3. The buyer shall pay fair market value for the property.*

Mr. Haynie noted that there were no items on the consent agenda requiring a public hearing.

A motion was made by Council member Coleman, seconded by Council member Kelly, to approve the consent agenda as modified. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

MINUTES:*** 20160205 Regular Meeting - February 10, 2016**

Review and approval of the February 10, 2016 regular meeting minutes.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

CITY COUNCIL APPOINTMENTS:*** 20160206 Marietta Historic Board of Review Appointment**

Appointment of Rebecca Nash Paden to the Marietta Historic Board of Review (Ward 3), for a two year term expiring March 12, 2018.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

ORDINANCES:**20160075 Z2016-03 [REZONING] MARIETTA MULCH INC**

Z2016-03 [REZONING] MARIETTA MULCH INC is requesting the rezoning of property located in Land Lots 800, 801, 802 & 856, District 16, Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia, and being known as 800 Williams Drive from LI (Light Industrial) to HI (Heavy Industrial). Ward 5B.

Withdrawn by Applicant without prejudice.

20160076 Z2016-04 [SPECIAL LAND USE PERMIT] MARIETTA MULCH INC

Z2016-04 [SPECIAL LAND USE PERMIT] MARIETTA MULCH INC is requesting a Special Land Use Permit for the property located in Land Lots 800, 801, 802 & 856, District 16, Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia, and being known as 800 Williams Drive in order to operate a vegetative recycling center and mulch manufacturing facility. Ward 5B.

Withdrawn by Applicant without prejudice.

RESOLUTIONS:**CITY ATTORNEY'S REPORT:**

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: G. A. (Andy) Morris, Chairperson**

- * **20160147 GA Department of Early Care and Learning (DECAL) Summer Food Service Program (SFSP)**

Approval of a Resolution by the Housing and Community Development Division to sponsor the U.S. Department of Agriculture Summer Food Service Program.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

2. Finance/Investment: Stuart Fleming, Chairperson

- * **20160136 Acceptance of Electronic Payment by Tax Division**

Ordinance amending Chapter 3-8-2-020 B (2) Due Date; Payment; Interest on Past Due Taxes.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

- * **20160152 Kraft Mark Homes LLLP - Request to revise zoning stipulations for Z2015-32**

Motion to approve the request by Kraft Mark Homes LLLP to amend the letter of stipulations for Z2015-32 from Garvis L. Sams, Jr. Sams, Larkin, Huff & Balli, to Russell J. Roth, AICP, Planning & Zoning Manager for the City of Marietta dated September 24, 2015:

1. Reduce the minimum lot width for L-1, L-2, L-11, and L-12 from 60' to 50' (amending items #2 and #11b.).
2. Reduce the major side setback for L-1 and L-12 from 25' to 15.'
3. Installation of acceleration and/or deceleration lanes subject to Cobb County Department of Transportation review and approval (amending item #9a.).

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20160161 Final Plat for Marietta Walk Phase 2**

Motion approving the final plat for Marietta Walk Phase 2 located in Land Lots 217 and 1290, 16th and 17th District.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20160171 Revised Detailed Plan for Marietta Walk Phase 1 - Lots 1, 8-10**

Motion to approve the request by Century Communities to reduce the side setbacks for lots 1, 8, 9, and 10 in Marietta Walk Phase 1 from 6 feet to 5 feet.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20160173 Marietta Museum of History's Collection**

Motion approving the request from the Marietta Museum of History for the permanent removal of items from its collection.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

20160049 Detailed Plan for Auto Village (1101 Powder Springs St)

Motion to approve the request by AV Powder Springs LLC for detailed plan approval for Auto Village at 1101 Powder Springs Street, zoned PCD (Planned Commercial Development). The approvals are subject to:

1. Zoning Conditions for Auto Village Shopping Center dated March 1, 2016.
2. Site plan dated 01/05/2016 with an edit date of 3/1/2016.
3. Building elevations dated 1/14/16.

Brian Binzer, Development Services Director, presented information regarding the request by AV Powder Springs LLC for detailed plan approval for Auto Village at 1101 Powder Springs Street, zoned PCD (Planned Commercial Development). He mentioned that shortly before the meeting, the applicant requested that this matter be tabled.

City Attorney Doug Haynie called the applicant forward to make a presentation and/or answer questions. Mr. Haynie noted that the applicant was not present at this time.

Since the request to table was not received in a timely manner, Council member

Chalfant made a motion to deny the original request to approve the Detailed Plan for Auto Village (1101 Powder Springs St).

The motion was made by Council member Chalfant, seconded by Council member Walker, that the request to approve the Detailed Plan for Auto Village be Denied. The motion carried by the following vote:

Vote: 7 - 0 - 0

Denied

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson

*** 20160061 2016 Special Events and Associated Requests for Approval**

Motion to approve the events that have applied to be held in the Marietta Square, as approved by the Parks, Recreation and Tourism Committee. These events cover calendar year 2016 and include associated requests for street closures, alcohol (sale and/or consumption), and the need for City services.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

*** 20160167 Conceptual Designs for Elizabeth Porter Park**

A motion authorizing a \$6,000 expenditure from the 2009 Parks Bond Fund: Category D, Planning/Design/Administration/Contingencies for \$1,000 stipends for each of the six semi-finalist artists chosen by the Elizabeth Porter Historic Monument, Arts, and Mural Committee to provide conceptual plans for art projects at the future Elizabeth Porter Park.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

5. Personnel/Insurance: Johnny Walker, Chairperson

*** 20160159 Amending Retirement Plan approved by Ordinance 4022**

Approval of an Ordinance amending the language in Article VIII, Section 7 of Ordinance 4022 regarding disability benefits and the definition of a physician, and amending the language in Article X, Section 5 of Ordinance 4022 regarding membership and operation of the pension board.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20160160 Amending Consolidated Retirement Plan approved by Ordinance 4532**

Approval of an Ordinance amending the language in Article V, Section 16 of Ordinance 4532 regarding disability benefits and the definition of a physician, and amending the language in Article X, Section 5 of Ordinance 4532 regarding membership and operation of the pension board.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20160034 Appointed Officials' Compensation**

Motion to approve amending compensation of certain appointed officials in the following ways:

Approval of a 3% increase for Judge Roger Rozen and Prosecuting Attorney Robert Donovan.

Approval of a 3% increase for City Clerk Stephanie Guy.

Approval of a 3% increase for BLW General Manager Ronald Mull.

Approval of a 3% increase for City Manager William Bruton, Jr. and the amendment of the existing Employment Agreement to include such increase and extension of the Agreement as attached..

Approval of a 3% increase for Administrative Assistant to the Mayor Elizabeth Kelley and the amendment of the existing Employment Agreement to include such increase and extension of the Agreement as attached.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

6. Public Safety Committee: Anthony Coleman, Chairperson

* **20160050 Revisions to MPD policies**

Motion to approve revisions to Police Department policies

A013 (Concurrent Jurisdiction), A030 (Code of Conduct), A033 (Inspections), A041 (Organizational Structure), A044 (Uniforms Equipment & Department Property), A054 (Assignments), S030 (Criminal Investigations), S046 (Asset Forfeiture), P031 (Career Development)

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20160157 Revisions to MPD Policies**

Motion to approve revisions to Police Department policies A010 Written Directives, A048 Administrative Protocol, A052 Detention & Housing of Detainees, A072 Departmental Records, P015 Video/Audio Recording Equipment, and T030 Career Tracking.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

7. Public Works Committee: Grif Chalfant, Chairperson

Council members Fleming and Goldstein stepped down from the dais prior to the discussion regarding the Church-Cherokee Streets Historic District.

20160065 Approval of design guidelines for the Church-Cherokee Streets Historic District

Motion to approve and adopt the design guidelines for the Church-Cherokee Streets Historic District.

Council member Goldstein disclosed that he owns properties that are located in the proposed district; 473 Cherokee Street, Marietta, Georgia, 481 Cherokee Street, Marietta, Georgia, 489 Cherokee Street NE, Marietta, Georgia and 497 Cherokee Street NE, Marietta, Georgia.

The City Attorney's law firm has disclosed that one member of the firm resides within the proposed district.

Council member Fleming disclosed that he owns properties that are located in the proposed district; 564 Cherokee Street, Marietta, Georgia.

Mayor Tumlin opened the public hearing and called forward those wishing to speak.

Development Services Director Brian Binzer presented information regarding the Design Guidelines for the Church-Cherokee Streets Historic District. Mr. David Freedman, Chairman of the Historic Preservation Commission, summarized the events leading up to this public hearing and also outlined the next steps in the approval process.

Those speaking regarding this matter included:

Steve Imler who lives on Church Street

Chris Brown who lives on Cherokee Street

Judge Jim Morris who lives in the proposed district

Representatives from the Cobb Landmark Historical Society

Discussion was held by Council.

A motion was made by Council member Coleman, seconded by Council member Morris, that this matter be Approved. The motion carried by the following vote:

Vote: 5 – 0 – 1 Approved
Abstaining: Stuart Fleming
Absent for the vote: Philip M. Goldstein

*** 20160155 SPLOST Intergovernmental Agreement**

Motion Authorizing IGA with Cobb County for replacement of Old 41 bridge over CSX Right of Way.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20160176 Street Widening at Kirkpatrick/Whitlock**

Motion authorizing extension of through lane along Kirkpatrick Ave. crossing Whitlock Ave.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

OTHER BUSINESS:

Council member Goldstein stepped down from the dais prior to the discussion regarding the proposed Chick-fil-A store.

20160168 44 Mill Street (Chick-fil-A) - Certificate of Approval (New Construction)

Motion to approve the request for a drive-thru window awning at 44 Mill Street (Chick-fil-a).

Philip Goldstein and Mary Goldstein are owners of the property at 44 Mill Street (2130 Mill Street - County Tax Bill), Marietta, Ga.

Mayor Tumlin opened the discussion and called forward those wishing to speak regarding this matter.

Brian Binzer, Development Services Director, presented information regarding the request for a drive-thru window awning at 44 Mill Street (Chick-fil-a). Marietta, Ga. Mr. Binzer mentioned that the final detailed plan would be brought back to Council for consideration.

John Martin Wood, Development Manager for Chick-fil-A, spoke regarding the proposed development as it relates to the design of the building and the preliminary site plan.

Discussion was held by Council regarding the preliminary site plan, traffic patterns and parking. Council member Kelly expressed concern regarding the timing of demolishing of the current building.

Mr. Wood mentioned that the building currently on the property would not be demolished until new construction begins. Mr. Philip M. Goldstein, owner of the subject property, also reiterated this point.

A motion was made by Council member Kelly, seconded by Council member Coleman, that this matter be Approved. The motion carried by the following vote:

Vote: 6 – 0 – 0 Approved
Absent for the vote: Philip M. Goldstein

20160169

44 Mill Street (Chick-fil-A) - Certificate of Approval (Demo/New Construction)

Motion to approve the request for demolition of existing herb shop, unneeded interior retaining and screen walls, and construction of a new Chick-fil-A store. Initial submittal is for building only. Site and signage to follow at a later date.

Philip Goldstein and Mary Goldstein are owners of the property at 44 Mill Street (2130 Mill Street - County Tax Bill), Marietta, Ga.

Motion to approve the new Chick-fil-A store, initial submittal for building only; site and signage to follow at a later date. Demolition of existing herb shop, unneeded interior retaining and screen walls shall be contingent upon approval of the site plan.

A motion was made by Council member Kelly, seconded by Council member Coleman, that this matter be Approved. The motion carried by the following vote:

Vote: 6 – 0 – 0 Approved
Absent for the vote: Philip M. Goldstein

20160221

Consortium for lighting Cobb County Portion of I-75

Motion to reach out to Cobb County, Cobb I-75 Cities with a nexus to I-75 and all applicable and interested parties to explore forming a Consortium to join with Ga DOT to collectively “light” all of I-75 within our County beyond the limited

area within Marietta that is being discussed now. This item was requested by Mayor Tumlin.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20160228 Salvation Army Lease Agreement**

Motion to extend the deadline of previously approved motion (Legistar# 20150875) to July 1, 2016 to have an executed long term lease agreement between the Salvation Army and the City of Marietta, for the acquisition and improvement of land adjacent to the Salvation Army with the use of CDBG funds.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20160229 Brown Avenue Right-of-Way**

Motion to authorize advertisement for the sale or exchange of a portion(s) of the Brown Avenue right-of-way.

Motion to authorize advertisement for the sale or exchange of a portion(s) of the Brown Avenue right of way, with the following conditions:

- 1. The buyer shall provide a survey to the City of Marietta satisfactory to the Public Works Director.*
- 2. The buyer shall pay cost of advertisement incurred by the City of Marietta.*
- 3. The buyer shall pay fair market value for the property.*

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved as Amended

*** 20160204 BLW Actions of March 7, 2016**

Review and approval of the March 7, 2016 actions and minutes of Marietta Board of Lights and Water.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

UNSCHEDULED APPEARANCES:

Those addressing City Council include:

William Llop, Georgia's 11th Congressional District candidate

Reginal Copeland, resident of Marietta

Matt Parnell. Representative from Congressman Barry Lauder milk's office

ADJOURNMENT:

The meeting was adjourned at 8:25 p.m.

Date Approved: April 13, 2016

R. Steve Tumlin, Mayor Tumlin

Attest: _____
Stephanie Guy, City Clerk